



# New Legislation

## 2007

### Summary

Prepared by  
Secretary of the State  
of Connecticut  
Elections Division  
(Rev. 6/19/07)

## Various Effective Dates

### PA 07-132

#### **An Act Concerning the Presidential Preference Primary**

##### **§1**

Changes the day of the Presidential Preference Primary from the first Tuesday in March to the first Tuesday in February. (*Effective from passage*) [Amends §9-464].

##### **§2**

Changes (1) the day on which the secretary shall publicly announce the list of candidates from the seventy-fourth day to the seventy-eighth day preceding the day of the primary and (2) the time and day on which a candidate must file a statement of withdrawal from four o'clock on the thirty-sixth day to noon on the fortieth day before the primary. (*Effective from passage*) [Amends §9-466].

##### **§3**

Changes the day on which a candidate can request petitions for ballot access from the seventy-fourth day to the seventy-eighth preceding the day of the primary. Also allows the secretary to provide a single petition page to each applicant that will be suitable for duplication. (*Effective from passage*) [Amends §9-467].

##### **§4**

Changes (1) the day on which a candidate must file petition pages with the registrar of voters from the forty-sixth day to the fiftieth day before the day of the primary and (2) the day on which each signature page must be forwarded to the secretary by the registrars from the forty-second day to the forty-sixth day before the day of the primary. (*Effective from passage*) [Amends §9-468].

### PA 07-194

#### **An Act Concerning the Integrity and Security of the Voting Process.**

##### **§1**

Establishes an audit of the optical scan voting equipment after each election and primary of not less than ten percent of the voting districts in the state.

Provides that any election official who participates in the administration and conduct of the audit shall be paid at the standard rate of pay established by the municipality for their work at the regular election or primary.

The voting districts subject to the audit shall be selected in a random drawing conducted by the secretary. The offices subject to audit in a federal or state election year shall be selected in a random drawing by the secretary and shall be (1) in a presidential year, all offices subject to an audit pursuant to federal law plus one additional office selected at random but in no case less than three offices, (2) in a gubernatorial year, all offices subject to an audit pursuant to federal law plus one additional office selected at random but in no case less than three offices, (3) in a municipal year, three offices or twenty percent of the offices on the ballot, whichever is greater, selected at random by the municipal clerk, and (4) in the case of a primary, all offices required to be audited by federal law plus one additional office, but in no event less than twenty percent of the offices on the ballot, selected at random by the municipal clerk.

Any voting district selected that is subject to a recanvass or an election contest shall not be included in the audit and an alternative district shall be selected.

The manual audit shall consist of a manual tabulation of the paper ballots cast and counted by each optical scan voting tabulator. Once complete, the vote totals established pursuant to the hand count shall be compared to the vote totals established pursuant to the tabulator count.

The University of Connecticut will conduct an analysis of the audit reports filed with the secretary that describes any discrepancies identified.

If a discrepancy between the hand count and the tabulator count exists that exceeds one-half of one percent, the secretary shall order a recanvass of the entire office in question.

If the University of Connecticut report determines that any voting tabulator failed to count and record votes in an accurate manner, the secretary shall require that the voting tabulator be examined and recertified.

The audit reports filed shall be public record and can be used as prima facie evidence of a discrepancy in any election or primary contest. (*Effective from passage*).

## **§2,3,4,5**

Extends the time period for a candidate to bring a complaint based on the results of the audit of voting tabulators until seven days after the close of the audit. (*Effective from passage*)[Amends §§9-323, 9-324, 9-329a, 9-328].

## **§6**

Allows the secretary to utilize federal funds to reimburse municipalities for any audits conducted for the municipal elections in 2007 to the extent federal funds are available and the expenditure is consistent and allowable under the Help America Vote Act of 2002. (*Effective from passage*).

- §7** Allows the secretary to enter into an agreement with the University of Connecticut or a member of the Connecticut State University System to perform or assist in performing a variety of tasks related to the use and security of the optical scan voting tabulators. *(Effective from passage)* [Amends §9-241].
- §8** Allows the secretary to utilize the Centralized Voter Registration System to report party enrollment figures and removes the requirement that the registrars of voters report these figures to the secretary annually. *(Effective from passage)* [Amends §9-65].
- §9** Creates official polling place observers for each election or primary. Each observer must be certified by the secretary and is assigned a unique polling place or polling places to observe during an election or primary.
- In addition, allows the registrars of voters to appoint additional election officials on the day of or the day after an election or primary if both registrars agree (1) if an appointed election official is now unable to serve, (2) if it is necessary to accommodate the public convenience, or (3) if it is necessary to improve the administration of the election or primary.
- Requires the secretary to establish a code of ethics for polling place observers, registrars of voters and poll workers no later than September 1, 2007. *(Effective from passage)*.
- §10** Imposes a fine of \$50.00 on any town clerk who fails to file nominating petition pages with the secretary by the time prescribed. *(Effective from passage)* [Amends §9-453n].
- §11** Requires the registrars of voters to promptly update the state-wide centralized voter registration system and indicate whether a voter has voted in person or by absentee ballot. *(Effective from passage)* [Amends §9-50b].
- §12** Changes the date on which a minor party must file and certify a list of nominations from the fifty-fifth day to the sixty-second day prior to the day of the election and requires that certifications for minor party candidates for single town state representative, state senator and judge of probate be filed with the secretary. *(Effective from passage)* [Amends §9-452].
- §13** Changes the timeframe when a vacancy can be filled. A candidate must vacate prior to twenty-four days before the opening of the polls and the vacancy must be filled at least twenty-one days before the opening of the polls. *(Effective from passage)* [Amends §9-460].
- §14** Allows the secretary to bind all engrossed bills and amendments to the Constitution that will be continued to the next assembly in several volumes. *(Effective from passage)* [Amends §9-85].

- §15** Allows the municipal clerks, in a state election year, to publish the notice of receipt of endorsements not later than the seventy-sixth day preceding the day of the primary, which may be in advance of the actual filing of endorsements by the various political parties. *(Effective from passage)* [Amends §9-395].
- §16** Allows an existing minor party with minor party status and minor party ballot access to the ballot in question to place the name of a candidate of a major or minor party on a nominating petition. *(Effective October 1, 2007)* [Amends §9-453t].
- §17** Changes the manner in which a person's name who has requested a challenge ballot will be marked on the official registry list. The registrars or assistant registrars of voters shall write, in red ink, before the elector's name the initials "CB". Also requires that a regular optical scan ballot at the polls be used as the challenge ballot instead of an absentee ballot and that registrars provide the depository envelope instead of the town clerk. Requires that the head moderator file all challenge ballots with the municipal clerk for retention. *(Effective October 1, 2007)* [Amends §9-232e].
- §18** Changes statutory references for voting machine to voting tabulator and clarifies the number of voting tabulator tenders that may be appointed as at least one and not more than two electors. *(Effective October 1, 2007)* [Amends §9-233].
- §19** Provides that ballots used at the polls shall be furnished by the registrar of voters and changes statutory references for voting machines to voting tabulator. Town Clerks are still required to provide absentee ballots. *(Effective October 1, 2007)* [Amends §9-250].
- §20** Changes statutory references for voting machines to voting tabulator. Modifies polling place set-up procedures to work with the new optical scan voting tabulators. Also, increases voter security by requiring that all voting booths be placed in the polling place in a manner so that no person from any part of the polling place or from any place outside the polling place can see how individuals are voting. *(Effective October 1, 2007)* [Amends §9-257].
- §21** Requires that registrars of voters in municipalities with more than one voting district be in their office on election day and allows registrars of voters in municipalities with one voting district to be at the polls on election day only if (1) they are available by telephone, (2) are connected to the state-wide centralized voter registration system, and (3) have all voter card files in the polling place for reference.
- Requires that election officials in each polling place consist of one moderator, at least one, but not more than two official checkers, not more than two challengers, if appointed, at least one and not more than two tabulator tenders, at least one but not more than two ballot clerks and two assistant registrars of voters or in a municipality with only one polling place the registrars of voters if the conditions set forth above are met. *(Effective October 1, 2007)* [Amends §9-258].

- §22** Allows the registrars of voters to establish two shifts of election officials without a majority vote by their legislative body. Requires that only those election officials working the second shift of the election need to be present for the close of the polls. (*Effective October 1, 2007*) [*Amends §9-258a*].
- §23** Requires the registrars of voters and not the municipal clerks to provide the necessary supplies to poll workers not later than eight o'clock of the day before the election. This includes all required postings and the moderator's return.
- Requires the assistant registrars and moderator at each polling place to examine and record the seals on the optical scan voting tabulators and run a zero tabulator tape. If the seal on the optical scan tabulator is broken and the tabulator does not produce a zero report the optical scan tabulator shall not be used. (*Effective October 1, 2007*) [*Amends §9-259*].
- §24** Provides that if an elector is present at the polling place but is unable to gain access to the polls because of a temporary incapacity, the elector may request that a ballot be brought to him outside of the polling place. The elector shall show identification, mark the ballot and return the ballot to the election officials. The election officials shall place the completed ballot in the tabulator and cross the elector's name off of the official registry list.
- Modifies polling place voting procedures to comply with the use of the new optical scan voting equipment and requires that in a primary where unaffiliated voters are allowed to vote, the registrars of voters and not the town clerk provide the required receipts. (*Effective October 1, 2007*) [*Amends §9-261*].
- §25** Requires that a tabulator tender remain stationed approximately three to four feet from the voting tabulator for the entire period of the election. Also requires such official to periodically examine the voting booths to ensure that they have not been damaged or defaced. (*Effective from October 1, 2007*) [*Amends §9-262*].
- §26** Requires that a write-in vote be recorded on the official paper ballot used at the election. (*Effective October 1, 2007*) [*Amends §9-265*].
- §27** Provides that after the voting tabulator has been locked against further voting, the tabulator keys and the moderator's returns shall be returned to the registrars of voters instead of the town clerk. The registrars shall be responsible for assisting the Head Moderator with completing the required forms and transmitting such forms to the secretary. As soon as the forms are complete or the day after the election, the registrars shall transmit (1) the moderator's returns, (2) the Head Moderator's return, (3) the original official check lists, and (4) all other materials required to be filed to the town clerk. (*Effective October 1, 2007*) [*Amends §9-266*].

- §28** Requires that any keys associated with any official ballot boxes used with paper ballots shall be kept by the registrars of voters. This section does not apply to the use of the new optical scan voting equipment. *(Effective October 1, 2007) [Amends §9-287].*
- §29** Requires that the registrars of voters and not the selectmen of each town provide suitable rooms for use during a paper ballot election. This section does not apply to the use of the new optical scan voting equipment. *(Effective October 1, 2007) [Amends §9-289].*
- §30** Requires the registrars of voters to provide suitable polling place equipment and forms for use with a paper ballot election. This section does not apply to the use of the new optical scan voting equipment. *(Effective October 1, 2007) [Amends §9-290].*
- §31** Requires the registrars of voters to appoint at least one person but not more than two persons to monitor voting booth use during a paper ballot election. This section does not apply to the use of the new optical scan voting equipment. *(Effective October 1, 2007) [Amends §9-294].*
- §32** Clarifies that an over-vote cast on a ballot used at a paper ballot election shall render the votes cast for that particular office void. This section does not apply to the use of the new optical scan voting equipment. *(Effective October 1, 2007) [Amends §9-295].*
- §33** Requires the registrars of voters to appoint box-tenders during an election where paper ballots are used. This section does not apply to the use of the new optical scan voting equipment. *(Effective October 1, 2007) [Amends §9-296].*
- §34** Defines the penalty for removing voted ballots from a ballot box used during an election with paper ballots and removes the limitation of one hundred eighty days after the election. This section does not apply to the use of the new optical scan voting equipment. *(Effective October 1, 2007) [Amends §9-304].*
- §35** Makes minor technical changes to paper ballot sections of the general statutes. This section does not apply to the use of the new optical scan voting equipment. *(Effective October 1, 2007) [Amends §9-306].*
- §36** Requires the moderator to seal both the tabulator and the carrying case after the election. Such equipment shall remain sealed for a period of fourteen days after the election. *(Effective October 1, 2007) [Amends §9-310].*
- §37** Changes the definition of (1) “Ballot Label” to mean paper or other material containing candidates and questions and (2) “Voting Machine” to voting tabulator. *(Effective October 1, 2007) [Amends §9-1].*

- §38** Removes the requirement that each municipality provide a sufficient number of voting machines for each nine-hundred or fraction thereof of voters in an election.
- Requires that any tabulator used in an election comply with the voluntary performance and test standards for voting systems pursuant to the Help America Vote Act. (*Effective October 1, 2007*) [*Amends §9-238*].
- §39** Allows the registrars of voters to appoint absentee ballot counters and requires the registrars of voters and moderator to train such officials. This section removes the requirement that the municipal clerk participate in the training of absentee ballot counters. (*Effective October 1, 2007*) [*Amends §9-148*].
- §40** Allows the registrars of voters to discontinue the use of optical scan voting equipment and to use paper ballots in an election if there are too many candidates for the machine to accommodate or the registrars are unable to obtain sufficient numbers of optical scan voting tabulators. (*Effective October 1, 2007*) [*Amends §9-272*].
- §41** Clarifies the definition of bona fide resident to be the town in which the person's dwelling unit is located. (*Effective October 1, 2007*) [*Amends §9-12*].
- §42** Allows the registrars of voters to contact any applicant by phone or by mail to inform the applicant of the effect of their late arriving mail-in voter registration card and to inform them that they have an additional opportunity to register to vote in person up until seven days before the election. (*Effective October 1, 2007*) [*Amends §9-23g*].
- §43** Extends the three month party enrollment delay to (1) participation and voting in a caucus, (2) participation in the appointment of members to any board or commission subject to minority representation and (3) to be appointed to any board or commission subject to minority representation. (*Effective October 1, 2007*) [*Amends §9-59*].
- §44** Requires that a minor party publish written notice of a party meeting to nominate candidates at least five days before such meeting in a newspaper having a general circulation in the applicable town for such office. (*Effective October 1, 2007*) [*Amends §9-452a*].
- §45** Requires minor parties who filed a certificate of changed party designation with the secretary pursuant to section 1 of public act 87-472 to file an updated copy of the party rules regulating the manner of nomination of a candidate not later than sixty days after the effective date of this section. (*Effective from passage*).
- §46** Requires an adjourned primary be held three weeks after the first primary if a tie results in any primary for state or municipal office. (*Effective October 1, 2007*) [*Amends §9-446*].